

MICHIGAN PROBATE JUDGES ASSOCIATION

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February 22, 2013

Senator Hoon-Yung Hopgood
Michigan State Senate
P.O. Box 30036
Lansing, MI 48909

Re: SB 131

Dear Senator Hopgood:

I am writing on behalf of the Michigan Probate Judges Association (MPJA), regarding the above-referenced bill. Recently, the MPJA Executive Board voted to oppose this proposed legislation.

The Board recognizes and appreciates the fact that this new version of the bill attempts to preserve judicial discretion when making relevant custody and parenting time decisions. However, MPJA opposes this bill because SB 131 exempts this one issue from a "best interest of the child" analysis required in all other cases. The Child Custody Act currently contains numerous provisions to address physical, mental, and emotional risks to children when fashioning custody and parenting time orders. In fact, the law authorizes a court to completely suspend parenting time or to award sole custody to one parent when the other parent poses a risk to their child.

Further, there remain concerns about the constitutionality of the newly proposed language, particularly because it seems to still conflict with parental presumptions recently upheld by the U.S. Supreme Court.

If you wish to discuss MPJA's position further, your staff can contact us through our lobbyist, Bill Kandler at 482-4044. Thank you for your time and attention to this matter, and we look forward to working with you in the future in areas of mutual interest.

Sincerely,



Hon. Elwood Brown
President, MPJA

cc: Sen. Rick Jones, Chair Senate Judiciary Committee
William Kandler